

MICHIGAN PROBATE JUDGES ASSOCIATION

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Corbin R. Davis, Clerk
Michigan Supreme Court
P.O. Box 30052
Lansing, Michigan 48909

June 8, 2011

Re: ADM File No. 2011-04

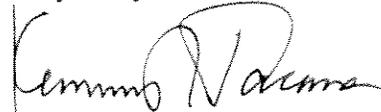
Dear Mr. Davis:

The Michigan Probate Judges Association Executive Board has reviewed the proposed amendment to MCR 3.911 embodied in ADM File No. 2011-04. We oppose the proposed change to the rule. We do not see any significant problems with the current rule in terms of granting access to the Jury Trial right. Further, there is a perception that leaving the right to make a jury trial demand as late as 21 days prior to trial, without the ability of the judge to set an earlier cutoff date, could cause significant scheduling problems for the court.

With regard to that part of ADM File No. 2011-04 that is proposed to amend MCR 3.915 dealing with the right to counsel at the preliminary hearing in child protective proceedings, MPJA supports the change. We agree that the preliminary hearing in these cases is a constitutionally critical stage of the litigation and the amendment to the rule recognizes the need for counsel for due process protection of the respondent's rights. A number of MPJA judges opposed the amendment on the ground that it was unnecessary because the current rule already contemplated the right to counsel at this stage, but the proposition that counsel should be appointed at preliminary hearings was unanimously affirmed.

Thank you for presenting our comment when this is considered by the Court.

Very Truly Yours,



Kenneth L. Tacoma
President, MPJA

